

**REMARKS/ARGUMENTS**

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-20 are currently pending in this application. By the foregoing amendment, Claims 1, 7 and 14 have been revised, and Claims 11 and 19 have been canceled without prejudice or disclaimer. Accordingly, Claims 1-10, 12-18 and 20 remain in this application for consideration and allowance.

In the November 9, 2009 Office Action, the following Claim objection and rejections, which are respectfully traversed for reasons subsequently set forth herein, were made.

1. Claim 7 was objected to due to its recitation of “an inner” in line 6 thereof;
2. Claims 14 and 15 were rejected under 35 USC §112, second paragraph, as being indefinite due to the recitation in Claims 14 and 15 of the phrase “through the lumen”, and the recitation in Claim 14 of the phrase “the stylet is coupleable to the catheter body”;
3. Claims 1, 2, 4-9, 12, 14 and 15 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,483,340 to Fogarty et al;
4. Claims 3 and 13 were rejected under 35 USC 103(a) as being unpatentable over Fogarty et al; and
5. Claims 10, 16-18 and 20 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,954,728 to Heller et al in view of Fogarty et al.

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**1. The Objection to Claim 7**

In the foregoing amendment, the objection to Claim 7 has been overcome by deleting the objected-to phrase “an inner” and replacing it with the phrase --the inner--as required by the Examiner.

## **2. The Indefiniteness Rejection of Claims 14 and 15**

In the foregoing amendment, the indefiniteness rejection of Claims 14 and 15 has been overcome by clarifying in Claims 14 and 15 that the recited lumen is the **inner body** lumen, and by replacing the phrase “catheter body” in Claim 14 with the phrase --catheter tube assembly--.

## **3. The Anticipation Rejection of Claims 1, 2, 4-9, 14 and 15**

Via amended independent Claim 1, each of applicants’ Claims 1, 2 and 4-6 now specifies that applicants’ recited catheter body has a distal end opening through which a substance may be flowed outwardly from the interior lumen of the catheter body into an interior body region, and further that the distal end opening of the catheter body is configured to prevent outward movement of the recited stylet therethrough.

Via amended independent Claim 7, each of applicants’ Claims 7-9, 14 and 15 now specifies that applicants’ catheter tube assembly inner elongated body has an open distal end configured to prevent movement of the stylet outwardly therethrough, the open distal end being in communication with the inner body lumen such that a substance introduced into a proximal opening of the inner body passes through the inner body lumen and is discharged from the tool through the distal opening of the inner body.

Neither of these claim limitations is disclosed in U.S. Patent 4,483,340 to Fogarty et al. In this regard it should be noted that the Fogarty inner catheter tube 24 does not have an open distal end through which a substance may be flowed outwardly into an interior body regions – the distal end of the tube 24 is **blocked** by the cap member 22. Further the distal end of the Fogarty et al inner catheter tube 24 does **not** prevent outward movement therethrough of the stylet 30. As can be clearly seen in FIG. 4 of Fogarty et al, the distal end 32 of the stylet 32 passes outwardly through the distal end of the tube 24 into the internal cap area 34.

Since neither of these claim limitations is disclosed in Fogarty et al it is respectfully submitted that none of applicants’ Claims 1, 2, 4-9, 14 and 15 is anticipated by U.S. Patent 4,483,340 to Fogarty et al.

#### **4. The Obviousness Rejection of Claims 3 and 13**

Claims 3 and 13 respectively depend from independent Claims 1 and 7 containing, as discussed above, limitations which are not disclosed in Fogarty et al. It is thus respectfully submitted that neither of applicants' Claims 3 and 13 is rendered obvious by U.S. Patent 4,483,340 to Fogarty et al.

#### **5. The Obviousness Rejections of Claims 10, 16-18 and 20**

Claim 10 depends from previously discussed Claim 7 which specifies that applicants' catheter tube assembly inner elongated body has an open distal end configured to prevent movement of the stylet therethrough, the open distal end being in communication with the inner body lumen such that a substance introduced into a proximal opening of the inner body passes through the inner body lumen and is discharged from the tool through the distal opening of the inner body. Neither Heller et al nor Fogarty et al discloses a catheter tube assembly inner elongated body having an open distal end configured to prevent movement of an associated stylet outwardly therethrough. This deficiency in Fogarty has been discussed above. With respect to Heller et al, it should be noted that the Heller et al inner body 2 referred to by the Examiner is clearly not configured to prevent the outwardly movement of a stylet through its distal end opening (see, e.g., FIG. 5 of Heller et al referred to by the Examiner).

Since neither Heller et al nor Fogarty et al discloses applicants' above-noted claim limitation, the Examiner has failed to establish the requisite *prima facie* case of obviousness of Claim 10 which is thus seen to be patentably distinguishable over the Heller et al/Fogarty et al reference combination proposed by the Examiner.

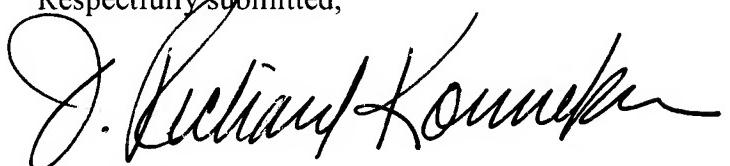
Via amended independent Claim 16, each of applicants' Claims 16-18 and 20 specifies that the recited expandable structure portion of applicants' claimed tool for deploying an expandable structure into an interior body region comprises a first segment expandable to a generally spherical shape and forming a first cavity, a second segment expandable to a generally spherical shape and forming a second cavity, and a generally tubular joining section disposed between and interconnecting the first and second segments, the first expandable segment having a first expansion radius and the second expandable segment having a second expansion radius.

Clearly, neither of the Heller et al and Fogarty et al references discloses or in any manner suggests an expandable structure having this claimed configuration. It is thus respectfully submitted that none of applicants' Claims 10, 16-18 and 20 is rendered obvious by the Heller et al/Fogarty et al reference combination proposed by the Examiner.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-10, 12-18 and 20 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/739-8612 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,



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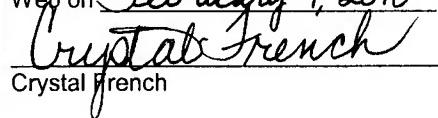
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